

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

## UNITED STATES DISTRICT COURT

for the  
Western District of Pennsylvania

RECEIVED

MAY 18 2023

CLERK, U.S. DISTRICT COURT  
FOR THE WESTERN DISTRICT  
OF PENNSYLVANIAFrederick Banks

Petitioner

v.  
Brett Schlegel, US Probation  
Officer, US Attorney General

Case No.

2:23-MC-507  
(Supplied by Clerk of Court)Merrick Garland, DirectorAdministrative Office for US Courts  
(name of warden or authorized person having custody of petitioner)

[Evidentiary Hearing Requested]

## PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

## Personal Information

1. (a) Your full name: Frederick Banks
- (b) Other names you have used: \_\_\_\_\_
2. Place of confinement:
  - (a) Name of institution: out on supervised release in challenging
  - (b) Address: Restraint.
- (c) Your identification number: \_\_\_\_\_
3. Are you currently being held on orders by:
 

☒ Federal authorities
 ☐ State authorities
 ☐ Other - explain:
4. Are you currently: out on supervised release which constitutes "in custody"  
for day purpose

☐ A pretrial detainee (waiting for trial on criminal charges)
 ☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

  - (a) Name and location of court that sentenced you: \_\_\_\_\_
  - (b) Docket number of criminal case: \_\_\_\_\_
  - (c) Date of sentencing: \_\_\_\_\_
- ☐ Being held on an immigration charge
- ☒ Other (explain): Being held unlawfully on supervised  
Release

## Decision or Action You Are Challenging

5. What are you challenging in this petition:
 

☒ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
- ☐ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☒ Other (explain): A bogus violation petition which was filed to discriminate against me because of my class based status as an American Indian

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: US District Court, Western District of PA
- (b) Docket number, case number, or opinion number: 2:15CR168 (wopa)
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
Decision to file a violation petition and/or Amended Supervised Release violation petition to retaliate for me having won my appeal and in discrimination because of my status as an American Indian.
- (d) Date of the decision or action: 5/18/23

**Your Earlier Challenges of the Decision or Action**7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes☐ NoAll available remedies have been exhausted

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not appeal: \_\_\_\_\_

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes☐ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a third appeal: \_\_\_\_\_

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☐ No

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If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

*A 2255 is inadequate and ineffective to challenge the execution of the sentence*

# 11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: \_\_\_\_\_

- (b) Date of the removal or reinstatement order: \_\_\_\_\_

- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☐ No

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If "Yes," provide:

(1) Date of filing: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: \_\_\_\_\_

(5) Issues raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: \_\_\_\_\_

(b) Name of the authority, agency, or court: \_\_\_\_\_

(c) Date of filing: \_\_\_\_\_

(d) Docket number, case number, or opinion number: \_\_\_\_\_

(e) Result: \_\_\_\_\_

(f) Date of result: \_\_\_\_\_

(g) Issues raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** USPO Respondent Brett Schlegel discriminated against petitioner by filing fraudulent Supervised Release violation petitions because of my status as a Native American, Religion Wicca and Mental Health Status.

(a) Supporting facts (Be brief. Do not cite cases or law.): Respondent ~~never~~ USPO never submitted my request for 2nd chance Act funds, called my job and talked to my supervisor to harass me, contacted my landlord to harass me and questioned me interrogation style about my private and personal conversations with my psychologist because I'm a Native American, Wiccan and have mental health which was specific

(b) Did you present Ground One in all appeals that were available to you? Discrimination in violation of the 5th Amendment  
☒ Yes ☐ No

**GROUND TWO:** USPO Brett Schlegel and the court interfered in my state defense by alleging that I filed illegal Bankruptcy court involuntary petitions challenging my state case in violation of the First, 5th, & 6th Amendments.

(a) Supporting facts (Be brief. Do not cite cases or law.): USPO during Supervised Release violation petitions and at a Resentencing hearing and in his office and the court interfered in my state criminal defense by alleging that I filed illegal Bankruptcy court involuntary petitions challenging my state case in violation of the First, 5th & 6th Amendments in their 5th

(b) Did you present Ground Two in all appeals that were available to you? Amendment? Discrimination because I'm an American Indian, Wiccan and see a psychologist  
☒ Yes ☐ No

**GROUND THREE:** USPO Respondent Brett Schlegel and the court violated their statements on the record by interfering in my property dispute by alleging a violations of Supervised Release for my having defended myself in my state case by challenging the case in Bankruptcy court.

(a) Supporting facts (Be brief. Do not cite cases or law.): It was discrimination and illegal for Brett Schlegel and the court to interfere in my property dispute by filing a discriminatory Supervised Release Petition to try to stop my state defense and interfere in the property dispute in violation of the First, 5th and 6th Amendment

(b) Did you present Ground Three in all appeals that were available to you?  
☐ Yes ☐ No

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**GROUND FOUR:**

USPO Brett Schlegel and the Court illegal seized me into a violation hearing to retaliate for my having defended my state case and because I was a third circuit appeal in the Judge Horowitz criminal case.

(a) Supporting facts (Be brief. Do not cite cases or law.): and to discriminate in violation of the First, 5th, 6th Amendments. It was a scheme that USPO Brett Schlegel conducted with the Court to interfere in my property dispute and my state criminal defense by questioning my defense attorney, my psychologist and investigating my friends as alleged to defend the property dispute charges to discriminate in violation of the First, 5th & 6th Amendments.

(b) Did you present Ground Four in all appeals that were available to you?

☒ Yes☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

All grounds have been exhausted

**Request for Relief**

15. State exactly what you want the court to do: Discharge petitioner from custody (supervised release) and restraint, and award damages, sanctions along with all other requested and warranted relief.

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**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

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I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 5/18/23



*Signature of Petitioner*

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*Signature of Attorney or other authorized person, if any*

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